IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.O.C.P.No.1807 of 2006

Date of Decision : 06.11.2007

Brij Mohan .....Petitioner

versus

S.C.Mittal, General Manager and another .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present : Mr.R.N.Raina, Advocate for the petitioner.
Mr.Puneet Jindal, Advocate for the respondents.

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JUDGMENT

HEMANT GUPTA, J.

The petitioner has filed the present contempt petition alleging that there is non compliance of the orders passed by this Court in a Civil Writ Petition against the orders passed by the Central Administrative Tribunal, Chandigarh Bench Chandigarh (hereinafter referred to as the `Tribunal') dated 24.9.2001 and 9.11.2001.

The original application filed by the petitioner was dismissed by the learned Tribunal. The Writ Petition filed by the petitioner was allowed by this Court and the following directions were issued:-

> "The competent authority shall re-examine the claim of the petitioner for promotion to the post of Chargeman 'A' with effect from the same date, as it was earlier considered and rejected, based on the performance of the petitioner, depicted in his three annual confidential reports and in terms of Rule 214, extracted above. The aforesaid exercise be completed within a period of three months from the date of receipt of certified copy of this order. In case, the claim of the petitioner is eventually

granted on reconsideration, he shall also be allowed all consequential benefits flowing therefrom."

Though the stand of the learned counsel for the respondents is that the directions have been complied with, but the said aspect is disputed by the petitioner.

In C.O.C.P.No.1457 of 2006 titled as "*Tarlok Singh versus B.N.Mathur, General Manager and another",* the question regarding maintainability of the contempt petition before this Court in view of Section 17 of the Administrative Tribunal Act, 1985 (hereinafter referred to as the `Act') has been examined. It has been held that in respect of the matter falling under Section 14 of the Act, the Tribunal is competent to entertain the contempt petition. Even otherwise, the facts of the case are such which does not warrant exercise of contempt jurisdiction of this Court.

In view of the said judgment, the present contempt petition is relegated to the Central Administrative Tribunal, Chandigarh Bench, Chandigarh for decision on merits in accordance with law. Parties through their counsel are directed to appear before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh on 14.1.2008 for further proceedings, in accordance with law.

06-11-2007 (HEMANT GUPTA)
*mohinder JUDGE